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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,854	01/09/2002	William A. Hartselle	60027.0093US01	6891
39262	7590	04/17/2007	EXAMINER	
MERCHANT & GOULD BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402			TANG, KAREN C	
		ART UNIT		PAPER NUMBER
				2151

  

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,854	HARTSELLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 February 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,8-16 and 19-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5,8-16 and 19-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/02/07 has been entered.
- Claims 1-5, 8-16, 19-32 are presented for further examination.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 8-16, 19-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 8-16, 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie (US 6,711,608) in view of Fox et al hereinafter Fox (US 6,654,786) in further view of Nakada et al hereinafter Nakada (US 2001/0030960).

1. Referring to Claims 1, 8 and 19, Ogilvie disclosed a system for providing self-destructing electronic mail messages (refer to Abstract), the system comprising: an electronic mail server application operative to receive a request to transmit a self-destructing electronic mail message (refer to Col 9, Lines 5-20), to transmit the self-destructing electronic mail message to an electronic mail client application (218 and 202, refer to Fig 2), and to cause all instances of the self-destructing electronic mail message to be destroyed after a period of time specified in the request (refer to Col 11, Lines 40-50) and electronic mail client application operative to transmit the request to the electronic mail server application (refer to Col 9, Lines 5-35), the request comprising an electronic mail message body and specifying a period of time within which the self-destructing electronic mail should be destroyed (refer to Col 11, Lines 40-50), wherein the all instances of the self-destructing electronic mail message comprises a plurality of electronic copies of the self-destructing electronic mail message stored in at least one of the following: computer system memory and a mass storage device (refer to Col 4, Lines 20-50, Col 9, Lines 20-60, and Col 11, Lines 1-15).  
determining if an intended receipt's electronic mail server application supports receiving self-destructing electronic mail messages (transmission protocol, which insure the receiving side supports the self-destructing electronic mail messages, refer to Col 7, Lines 10-25 and Col 10, Lines 35-50);

Art Unit: 2151

if the intended recipient's electronic mail server application does not support self destructing electronic mail messages (sent to the unintended location, refer to Col 10, Lines 35-50), Ogilvie did not expressly indicate notifying a sender that the intended recipients mail server does not support self-destructing electronic mail messages;

Fox disclosed that it is obvious for ordinary skill in the art to provide an notification that back to the sender when the mail wasn't deliver successfully (refer to Col 6, Lines 25-40, and Col 9, Lines 45-60, and Col 10, Lines 29-40).

The suggestion/motivation would have been that by indicate the receiving party wasn't the intend receiver or the deliver wasn't successfully, it will urge the sender to verify the sending address to ensure the successful transmission to the intended party.

Although both Ogilvie and Fox disclosed the invention substantially as claimed, both Ogilvie and Fox are silence regarding determining if the an electronic mail address is located on a network beyond the sender's home domain;

canceling the electronic mail message to the intended recipient whose electronic mail address is located on the network beyond the sender's home domain;

Nakada, in an analogous art disclosed determining if the an electronic mail address is located on a network beyond the sender's home domain (refer to 0125);

canceling the electronic mail message to the intended recipient whose electronic mail address is located on the network beyond the sender's home domain (refer to 0125);

Hence, providing the determine own domain ability disclosed by Nakada, would be desired for user to implement in their system to filter certain unwanted messages that contains undesire domain.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Ogilvie by including the features which exclude unwanted domain message.

2. Referring to Claim 2, Ogilvie disclosed wherein the time period comprises an indication that the self-destructing electronic mail message(refer to Abstract) should be destroyed after it has been opened and closed on the electronic mail client application (refer to Col 11, Lines 40-50 and Col 6, Lines 1-20).

3. Referring to Claims 3 and 28, Olgilvie disclosed further comprising; transmitting an electronic mail message to the electronic mail client application (218 and 202, refer to Fig 2) indicating that the self-destructing electronic mail message has been destroyed after the destruction of the self-destructing electronic mail message (refer to Col 9, Lines 40-67).

4. Referring to Claim 4, Olgilvie disclosed wherein the electronic mail message sent to the electronic mail client application (218 and 202, refer to Fig 2) after the destruction of the self-destructing electronic mail message comprises an identity of the sender of the self-destructing electronic mail message (refer to Col 7, Lines 1-10) and an indication that the self-destructing electronic mail message was sent and destroyed (refer to Col 9, Lines 60-67 and Fig 2).

5. Referring to Claim 5, Olgilvie disclosed encrypting the self-destructing electronic mail message prior to transmitting the self-destructing electronic mail message to the electronic mail client application (refer to Col 7, Lines 10-25, and Col 10, Lines 20-35 and Col 9, Lines 5-20).

6. Referring to Claims 9 and 20, Olgilvie disclosed receiving a self-destructing electronic mail message sent from the electronic mail server application (218 and 202, refer to Fig 2); and destroying all instances of the electronic mail message (refer to Abstract) sent from the electronic mail server after a period of time specified in the self-destructing electronic mail message has elapsed (refer to Col 11, Lines 40-50).

7. Referring to Claims 10 and 21, Ogilvie disclosed wherein the electronic mail client application is further operative to prevent the self-destructing electronic mail message from being printed (refer to Col 10, Lines 64-67 and Col 11, Lines 1-15).

8. Referring to Claims 11 and 22, Ogilvie disclosed wherein the electronic mail client application is operative to prevent the self-destructing electronic mail message from being forwarded (refer to Col 7, Lines 25-45).

9. Referring to Claims 12 and 23, Ogilvie disclosed wherein the electronic mail client application is further operative to prevent the self-destructing electronic mail message from being saved (refer to Col 7, Lines 25-45).

10. Referring to Claims 13 and 24, Ogilvie discloses wherein the electronic mail client application is further operative to prevent the self-destructing electronic mail message from being moved (forwarding, refer to Col 7, Lines 25-40).

11. Referring to Claims 14 and 25, Ogilvie disclosed wherein the electronic mail client application is further operative to prevent the self-destructing electronic mail message from being copied or cut to a clipboard (refer to Col 11, Lines 10-20).

12. Referring to Claims 15 and 26, Ogilvie disclosed wherein the electronic mail client application is further operative to prevent a screen display containing the self-destructing electronic mail message from being captured (refer to Col 11, Lines 50-67 and Col 12, Lines 1-10).

13. Referring to Claim 27, Ogilvie disclosed wherein the period of time within which the self-destructing electronic mail message should be destroyed comprises an indication that the: self-destructing electronic mail message should be destroyed immediately after it has been read on the electronic mail client application (refer to Col 3, Lines 30-35 and Col 6, Lines 5-20).

14. Referring to Claim 29, Ogilvie disclosed wherein the electronic mail server application is further operative to encrypt the self-destructing electronic mail message and wherein the electronic mail client application is operative to decrypt the self-destructing electronic mail message (refer to Col 7, Lines 10-25, and Col 10, Lines 20-35).

15. Referring to Claims 16 and 30, Ogilvie disclosed wherein the electronic mail client application is further operative to provide a security warming message (“remove from mail list”, refer to Col 9, Lines 5-20) prior to transmitting the request in response to determining that an intended recipient of the self-destructing electronic mail message is located beyond a home domain associated with the electronic mail server application (it is inherent that once the client has provided a message, the message itself will return the message to the server of originator 200, that ensure the domain is associated with the server and Col 10, Lines 35-50).

16. Referring to Claim 31, Ogilvie did not disclose removing an email address for the intended recipient whose electronic mail server application does not support self-destructing electronic mail messages.

Official notice is given that it is obvious of ordinary skill in the art to remove the recipient whose application does not support self-destructing electronic mail messages.

The suggestion/motivation would have been that by receiving the notification that delivery wasn't successful, to save the memory and to not resend to the same recipient again, it is necessary to delete the address.

17. Referring to Claim 32, Ogilvie disclosed wherein notifying the sender comprises providing a user interface window and giving the sender an option to proceed with sending the self-destructing electronic mail message or canceling the self-destructing electronic mail message

(refer to Col 9, Lines 1-10, the sender provides the ability to edit the self-removing email, also refer to Col 6, Lines 45-53).

***Conclusion***

**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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